

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

RANDELL L. BROWN, Register No. 179887,)	
)	
Plaintiff,)	
)	
v.)	No. 05-4414-CV-C-NKL
)	
KELLY DILLS, et al.,)	
)	
Defendants.)	

ORDER

On November 21, 2006, the United States Magistrate Judge recommended that Missouri Board of Probation and Parole defendants' June 28, 2006 motion for judgment on the pleadings be granted; that Missouri Department of Corrections defendants' April 28 and October 19, 2006 motions to dismiss be granted, in part, and denied, in part; and that Correctional Medical Service defendants' July 19, 2006 motion to dismiss be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's November 21, 2006 Report and Recommendation is adopted [93]. It is further

ORDERED that Missouri Board of Probation and Parole defendants' June 28, 2006 motion for judgment on the pleadings is granted, and plaintiff's claims against defendants Agniel, Card, Crump, Robinson, Gaw, Thompson and Hubbard are dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983. [55] It is further

ORDERED that Missouri Department of Corrections defendants' April 28 and October 19, 2006 motions to dismiss are granted, in part, and denied, in part. [33, 82] It is further

ORDERED that Missouri Department of Corrections defendants' motions are granted on plaintiff's administrative segregation, retaliation, conspiracy, individual capacity claims under

the ADA and RA, and claims challenging his denial of parole and that such claims are dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983. It is further

ORDERED that defendants' motions are denied as to plaintiff's official capacity claims under the ADA and RA, and individual and official capacities claims under 42 U.S.C. § 1983 challenging the conditions of plaintiff's confinement related to his disability. It is further

ORDERED that Correctional Medical Service defendants' motion to dismiss is denied [63].

A handwritten signature in cursive script, reading "Nanette Laughrey", written over a horizontal line.

NANETTE K. LAUGHREY
United States District Judge

Dated: 1-12-07
Jefferson City, Missouri